UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,921	12/14/2004	Johannes Hubertus Antonius Brekelmans	NL 020503	8884

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EXAMINER
CHEN, JUNPENG

ART UNIT	PAPER NUMBER
2631	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/517,921	BREKELMANS, JOHANNES HUBERTUS ANTONIUS
	Examiner	Art Unit
	Junpeng Chen	2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 December 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *12/14/2004*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted <u>under 35 U.S.C. 371 and 35</u>

<u>U.S.C. 119(a)-(d)</u>, which papers have been placed of record in the file.

Information Disclosure Statement

2.   The information disclosure statements submitted on <u>December 14, 2004</u> has

been considered by the Examiner and made of record in the application file.

Objection - Specification

3.   The disclosure is objected to because of the following informalities:

   a. On **line 35** of **page 3**, **lines 2, 4, 28, 29** of **page 4** and **line 12** of **page 5**, replace

   "AD" with --D/A--.

   b. On **line 5** of **claim 11**, replace "database fields" with --database field--

   c. Brief Description of Drawing is missing. (See item (h) below).

       The following guidelines illustrate the preferred layout for the specification of a
utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

       As provided in 37 CFR 1.77(b), the specification of a utility application should
include the following sections in order. Each of the lettered items should appear in
upper case, without underlining or bold type, as a section heading. If no text follows the
section heading, the phrase "Not Applicable" should follow the section heading:

       (a) TITLE OF THE INVENTION.
       (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
       (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
            DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
      COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer
      program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)),
      and tables having more than 50 pages of text are permitted to be
      submitted on compact discs.) or
      REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).
      "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
(f) BACKGROUND OF THE INVENTION.
      (1) Field of the Invention.
      (2) Description of Related Art including information disclosed under 37
      CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A
      "Sequence Listing" is required on paper if the application discloses a
      nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if
      the required "Sequence Listing" is not submitted as an electronic
      document on compact disc).

Appropriate correction is required.

Objection - Drawings

4.   The drawings are objected to <u>because both block 27 and block 28 are</u>

<u>mislabeled. Each of block 27 and block 28 should be label as "D/A" instead of "A/D".</u>

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to

the Office action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior version

of the sheet, even if only one figure is being amended. The figure or figure number of an

amended drawing should not be labeled as "amended." If a drawing figure is to be

canceled, the appropriate figure must be removed from the replacement sheet, and

where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the

remaining figures. Each drawing sheet submitted after the filing date of an application

must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Consider **claim 3**, it recites "in/output" in line 2. It is unsure whether it means

"input and output" or "input or output". For the purpose of further examination on current

claim 3, the examiner interprets "in/output" as "input or output".

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by **Badger**

(U.S. Patent No. 5,678,211).

Consider **claim 1**, Badger shows and discloses a receiver comprising a tuner

(read as tuner section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-

16 of column 2, Fig. 1) comprising at least one electronically tuned filter (read as filter

14, lines 3-16 of column 2, Fig. 1), characterized in that the tuner comprises at least one

identifier (read as address of addressable DAC 32, lines 22-37 of column 2) for

identifying at least one database field in a database (read as an inherently existing

memory that provides DATA IN to PROM 42, Fig. 1) situated outside the receiver for

storing at least one calibration signal for calibrating the electronically tuned filter (read

as the digital trimming signal for turning the filter 14 is from bus line 48, which is

connected to the inherently existing memory that provides DATA IN and is outside of

the receiver, lines 47-54 of column 2).

Consider **claim 2, as applied to claim 1 above**, Badger shows and discloses a

receiver, characterized in that the receiver comprises a receiver memory (read as

PROM 42, lines 38-54 of column 2, Fig. 2) located outside the tuner for storing the

calibration signal (read as digital trimming signal used by DAC 32 to find VC14 (VC14 in

column 2 is the same as VC32 in Fig.1), which digital trimming signal is from the data

stored in PROM 42, lines 22-54 of column 2, Fig. 1), with the tuner comprising a tuner

bus (read as the wire connection between DAC 32 and microprocessor 40 that connects

to PROM 42, Fig. 1) coupled to the receiver memory for receiving the calibration signal.

Consider **claim 3, as applied to claim 2 above**, Badger shows and discloses a

receiver, characterized in that the database is coupled to a network (read as the

inherently existing connection between PROM 42 (part of the receiver) and the

inherently existing memory that provides DATA IN, Fig. 1), with the receiver comprising

an in/output (read as the input of PROM 32 that receives DATA IN, lines 47-53 of

column 2, Fig. 1, as best understood in view of the *Claim Rejections - 35 USC § 112*

above) to be coupled to the network.

Consider **claim 4, as applied to claim 2 above**, Badger shows and discloses a

receiver, characterized in that the calibration signal stored in the database and/or in the

receiver memory (read as PROM 42, Fig. 1) is a digital calibration signal (read as digital

trimming control signal, lines 47-53 of column 2), with the receiver comprising a digital-

to-analog converter (read as DAC 32, Fig. 1) for converting the digital calibration signal

into an analog calibration signal (read as DAC 32 uses digital trimming signal to

determine VC14, lines 22-37 of column 2, Fig. 1).

Consider **claim 5, as applied to claim 4 above**, Badger shows and discloses a

receiver, characterized in that the tuner comprises the digital-to-analog converter (read

as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between

DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) and the

electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 6**, Badger shows and discloses a tuner (read as tuner section 10

connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2, Fig. 1)

comprising at least one electronically tuned filter (read as filter 14, lines 3-16 of column

2, Fig. 1) for use in a receiver comprising the tuner, characterized in that tuner

comprises at least one identifier (read as address of addressable DAC 32, lines 22-37

of column 2, Fig. 1) for identifying at least one database field in a database (read as

DAC 32 obtains corresponding digital trimming signal from PROM 42, which stores

DATA IN that is from an inherently existing memory that provides DATA IN, lines 23-53

of column 2, Fig. 1) situated outside the receiver for storing at least one calibration

signal for calibrating the electronically tuned filter (read as the inherently existing

memory that provides DATA IN is outside of the receiver and the DATA IN is digital

trimming signal, which used by DAC32 to determine VC14 (VC14 in column 2 is the

same as VC32 in Fig.1), lines 16- 54 of column 2, Fig. 1).

Consider **claim 7, as applied to claim 6 above**, Badger shows and discloses a

tuner, characterized in that the tuner comprises a tuner bus (read as wire connection

between DAC 32 and microprocessor that connects to PROM 42, Fig. 1) be coupled to

a receiver memory (read as PROM 42, lines 47-53 of column 2, Fig. 1) for receiving the

calibration signal stored in the receiver memory (read as DAC 32 obtains corresponding

digital trimming signal from PROM 42, which stores DATA IN from an inherently existing

memory that provides DATA IN, lines 23-53 of column 2, Fig. 1).

Consider **claim 8, as applied to claim 7 above**, Badger shows and discloses a

tuner, characterized in that the calibration signal stored in the database and/or in the

receiver memory (read as PROM 42, Fig. 1) is a digital calibration signal (read as digital

trimming signal, lines 22-53, column 2), with the receiver comprising a digital-to-analog

converter for converting the digital calibration signal into an analog calibration signal

(read as DAC 32 converts digital trimming signal into VC14, lines 17-53, column 2, Fig.

1).

Consider **claim 9, as applied to claim 8 above**, Badger shows and discloses a

tuner, characterized in that the tuner comprises the digital-to-analog converter (read as

DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between

DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) and the

electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 10**, Badger shows and discloses a method for electronically

tuning at least one electronically tuned filter (read as filter 14 is being tuned by VC14

from DAC 32, which uses trimming signal from PROM 42) in a tuner (read as tuner

section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2,

Fig. 1) in a receiver, characterized in that the method comprises the steps of identifying

(read as DAC 32 obtains corresponding digital trimming signal from PROM 42, which

stores DATA IN that is from an inherently existing memory that provides DATA IN, lines

23-53 of column 2, Fig. 1) at least one database field in a database situated outside the

receiver and of downloading at least one calibration signal from the database field for

calibrating the electronically tuned filter (read as PROM 32 obtains DATA IN from an

inherently existing memory is outside of the receiver and the DATA IN is digital trimming

signal, which used by DAC32 to determine VC14 (VC14 in column 2 is the same as

VC32 in Fig.1), lines 16 and 54 of column 2, Fig. 1).

Consider **claim 11**, Badger shows and discloses a method comprising:

providing tuners that comprise at least one electronically tunable filter and at

least one identifier for identifying at least one database field in a database situated

outside the tuner (read as DAC 32 obtains corresponding digital trimming signal from

PROM 42 to determine VC14 (VC14 in column 2 is the same as VC32 in Fig.1), which

PROM 42 stores digital trimming that is from an inherently existing memory that is

outside of the tuner, lines 23-53 of column 2, Fig. 1);

and operating the database that comprises the database fields for storing

calibration signals for calibrating the electronically tunable filters (read as digital

trimming signal is stored into a inherently existing memory, this memory provides digital

trimming signal to DAC 32 through PROM 32 and microprocessor 40 to determine

VC14 to turn filter 14, Fig. 1).

Badger discloses the method above but fails to mention a method of "selling".

However, it is examiner's contention that since the limitation are taught by Badger, the

"selling" method in the preamble is taught as well.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Limberg	US 6441843 B1	Suppression of effects of co-channel NTSC interference artifacts upon digital TV receiver adaptive equalizer
Bickley et al.	US 5822687 A	Suppression of effects of co-channel NTSC interference artifacts upon digital TV receiver adaptive equalizer
Englmeier	US 4760535 A	Control circuit for tuning a high-frequency input circuit
Maier et al.	US 4590611 A	Tuner for communications equipment
Sato et al.	US 4301540 A	Electronic tuning type receiver with digital to analog converter
Henderson et al.	US 4291413 A	Search type tuning system with direct address channel selection apparatus
Mogi et al.	US 4127822 A	Digitally controlled tuner with automatic fine tuning
Mogi et al.	US 4085372 A	Channel selecting apparatus for a television receiver with an electronic tuner
Mogi et al.	US 4085371 A	Automatically tuned memory television channel selecting apparatus
Mogi et al.	US 4079420 A	Channel selecting apparatus
Wiegand	US 4017856 A	Self-calibrating microwave transponder

8.   Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed**

to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junpeng Chen whose telephone number is (571) 270-1112. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

Junpeng Chen
J.C./jc

July 11, 2006